

**DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

☐ Action Date

☒ For Information Only

DEPARTMENTAL PERSONNEL MANUAL

DPM BULLETIN NO. 534-17

DATE: January 30, 2002


SUBJECT: 2002 Pay Rates for the Board of Contract
Appeals Pay System

On December 28, 2001, the President signed Executive Order 13249, authorizing a 3.6 percent general pay increase for the General Schedule pay system. Additionally, the Executive Order provided for an increase for the Executive Schedule. Since basic rates of pay for Board of Contract Appeals Members are calculated as a percentage of the rate for Level IV of the Executive Schedule, there will be an increase in the basic rates of pay for Board Members in 2002.

The President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management) has decided to extend the 2002 locality based comparability payments to the same Government-wide and single-agency categories that were authorized to receive the 2001 locality payments. As a result, Board of Contract Appeals Members are also entitled to receive the locality pay increase. The maximum locality rate of pay for Board Members is the rate for Level III of the Executive Schedule, currently \$138,200. The Board of Contract Appeals Pay System basic pay and locality rates are attached, and are effective on January 13, 2002.

Please note that the 2002 Social Security Taxable Wage Base for OASDI increased to \$84,900 effective January 1, 2002. There is no maximum wage base for Medicare.

If you need further information, please contact Jan Karicher of my staff on 366-9450.



Director, Human Resource Management
Attachment

Filing Instructions: File after DPM Chapter 534 Bulletins

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SVC-190, M-12

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Rates of Basic Pay for Members of Boards of contract appeals (BCA)**Effective January 13, 2002**

Chairman	130000
Vice Chairman	126100
Other Members	122200

2002 LOCALITY RATES OF PAY FOR MEMBERS OF BOARDS OF CONTRACT APPEALS

Locality	Chairman	Vice Chairman	Other Members
Atlanta, GA	138200	138200	134102
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	138200	138200	138200
Chicago-Gary-Kenosha, IL-IN-WI	138200	138200	138200
Cincinnati-Hamilton, OH-KY-IN	138200	138200	136974
Cleveland-Akron, OH	138200	138200	134823
Columbus, OH	138200	138200	135275
Dallas-Fort Worth, TX	138200	138200	135520
Dayton-Springfield, OH	138200	138200	133956
Denver-Boulder-Greeley, CO	138200	138200	138200
Detroit-Ann Arbor-Flint, MI	138200	138200	138200
Hartford, CT	138200	138200	138200
Houston-Galveston-Brazoria, TX	138200	138200	138200
Huntsville, AL	138200	137550	133296
Indianapolis, IN	138200	137260	133015
Kansas City, MO-KS	138200	137802	133540
Los Angeles-Riverside-Orange County, CA	138200	138200	138200
Miami-Fort Lauderdale, FL	138200	138200	137414
Milwaukee-Racine, WI	138200	138200	134481
Minneapolis-St. Paul, MN-WI	138200	138200	136326
New York-N. New Jersey-Long Island, NY-NJ-CT-PA	138200	138200	138200
Orlando, FL	138200	137033	132795
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	138200	138200	136998
Pittsburgh, PA	138200	138105	133833
Portland-Salem, OR-WA	138200	138200	136424
Richmond-Petersburg, VA	138200	138200	134017
Sacramento-Yolo, CA	138200	138200	136852
St. Louis, MO-IL	138200	137424	133174
San Diego, CA	138200	138200	137719

San Francisco-Oakland-San Jose, CA	138200	138200	138200
Seattle-Tacoma-Bremerton, WA	138200	138200	136583
Washington-Baltimore, DC-MD-VA-WV	138200	138200	136229
Rest of U.S	138200	136995	132758

The following material has been prepared by the Office of Personnel Management (OPM) to respond to questions that they have received about grade and pay retention in reduction-in-force (RIF) situations. It applies to actions taken on or after January 29, 1981, when final regulations on grade and pay retention became effective. The information supplements the guidance contained in the Federal Personnel Manual (FPM) and is not intended to be used as a sole source reference on grade and pay retention. Any changes in the information provided below will be made by OPM by amending the regulations on grade and pay retention or appropriate FPM change. The term agency has the meaning given in section 5102 of 5 USC. Within the Department of Transportation, the term agency contained in this material and in Book 536 of Supplement 990-2 further means each Operating Administration, the Office of the Inspector General, and the Office of the Secretary.

A. Grade Retention

1. Basic requirement.

Under 5 U.S.C. 5362, an employee with a non-time limited appointment who meets the 52 week requirement is entitled to grade retention if he or she is reduced in grade as a result of reduction in force.

2. Placements in a pre-RIF situation.

After agency management announces a reduction in force or reorganization in writing, it may grant grade retention to an employee who moves to a position in a lower grade. If an employee declines an offer of a position at this stage of the process, the declination does not affect his or her statutory entitlement to grade retention in a resulting reduction in force. (See Book 536 of FPM Supplement 990-2, Paragraph S3-1b(1).)

3. Placement in a position other than that to which entitled under RIF procedures.

As provided in S3-1 a(1) and (3) of Book 536 of FPM Supplement 990-2, an employee is considered to have been placed as a result of reduction in force when two conditions are met. First, the offer must be in writing. Second, the employee must have received a specific RIF notice indicating that the employee will be either moved to another position at the same or lower grade or separated.

a. Different position in the same agency.

In a reduction in force, an employee may identify a position other than the one to which he or she is entitled as a preferred assignment. If the agency places the employee in the position he or she identified, the employee is entitled to grade retention if otherwise eligible. Even if the position is at a lower grade than the one to which entitled under RIF procedures, the employee is entitled to grade retention. (See Book 536 of FPM Supplement 990-2, S3-1a(1) and (3).)

b. Position in a different agency - placement agreement exists.

An employee is entitled to grade retention if he or she transfers to a position in another agency when a formal placement agreement exists between the losing and appointing agencies. As indicated above, the employee must have received a specific reduction-in-force notice before the position is offered.

c. Position in a different agency - no placement agreement.

An agency may grant grade retention under agency policy to an employee it hires from another agency when there is no placement agreement and when the employee has received a written notice of reduction in force or reorganization from his or her former agency. The granting of grade retention is at the option of the hiring agency.

4. Transfer to a different agency while in receipt of grade retention.

An employee who transfers to another agency while in receipt of grade retention is entitled to have the grade retention continued.

B. Pay Retention.

1. Statutory entitlement to pay retention.

Section 5363 of title 5, U.S. Code and 5 CFR 536.104(a) provide the conditions under which an employee is entitled to pay retention. An employee who does not meet the eligibility requirements for grade retention is entitled to pay retention if his or her rate of basic pay would otherwise be reduced as the result of a reduction in force.

2. Agency option to grant pay retention - same agency.

Section 536.104(b), 5 CFR, provides that "the head of an agency may provide pay retention to eligible employees whose rates of basic pay would otherwise be reduced as the result of a management action." Except where specifically required by statute or OPM regulation, authorization of pay retention is within agency discretion.

3. Transfer to a different agency while in receipt of pay retention.

An employee who transfers to a different agency while in receipt of pay retention is entitled to have the pay retention continued.